

Appl. No. : 09/231,415  
Filed : January 14, 1999

#### REMARKS

Claims 26 and 100-114, and 133-141 are pending in this application. The Applicants previously canceled Claims 1-25, 27-99, and 115-132 without prejudice or disclaimer. The Applicants reserve the right to prosecute the canceled claims in one or more continuation or divisional applications.

The Applicants respond to the Examiner's objections and rejections as follows.

#### **Objection to Claim 26**

The Examiner objected to the following language of Claim 26: "each identify at least one product and buyer data; and." The Applicants have removed that language from the claim. Applicants request withdrawal of the objection.

#### **Indefiniteness Rejections of Claims 26, 100, 101, 103, 113, and 114**

The Examiner rejected Claims 26, 100, 101, 103, 113, and 114 as allegedly being indefinite because of their use of the term "permit." The Applicants do not agree that the term "permit" renders the claims indefinite. Nevertheless, the Applicants have removed "permit" from the claims to expedite prosecution. Applicants request withdrawal of the rejections.

#### **Anticipation Rejections of Claims 26 and 100-102**

The Examiner stated that "Claims 26, 100-114, are rejected under 35 U.S.C. 102(b) as being anticipated by "Automotive Sites Missing Web Ad Opportunities." The Applicants do not agree that the cited reference anticipates Claims 26 and 100-114 because the cited reference does not teach every limitation of the claims.

The Applicants submit that Claim 26 as amended is patentable over the cited reference because the cited reference does not teach or fairly suggest every limitation of Claim 26 as amended. For example, the cited reference does not teach or fairly suggest at least one of the following limitations of Claim 26 as amended:

- "a plurality of purchase request records created from data received from potential buyers, said data including buyer contact information and product information"
- "a plurality of participating seller records comprising information about a plurality of participating sellers, said purchase request records and seller records stored on computer-readable medium"

- “a buyer-seller association software module stored on computer-readable medium and configured to assign each of said purchase request records to only a subset of the participating sellers in accordance with purchase request criteria, said purchase request criteria for each of said participating sellers predetermined in accordance with a relationship between a lead distributor and each of said plurality of participating sellers”
- “a seller access software module stored on computer-readable medium and configured to provide each of said participating sellers with access to said system database for viewing and managing said purchase request records assigned to said seller by said buyer-seller association software module”
- “a processor in communication with said software and configured to implement instructions of said software modules”

Claims 100-114 are all dependent claims that incorporate every limitation of Claim 26. Accordingly, Claims 100-114 are patentable over the cited reference at least for the same reasons that Claim 26 is patentable over the cited reference. In addition, the Applicants submit that Claims 100-102 are also patentable over the cited reference in view of their added limitations.

The Applicants request withdrawal of the anticipation rejections of Claims 26 and 100-114.

#### **Obviousness Rejections of Claims 103-106**

The Examiner rejected Claims 103-106 as allegedly being obvious in view of “Automotive Sites Missing Web Ad Opportunities” and “Auto-By-Tel Wins With Educated Customers And Low Prices.” The Applicants do not agree that the cited references render Claims 103-106 obvious.

The Applicants submit that Claims 103-106 as amended are patentable over the cited references because the cited references, even if combined, do not teach, fairly suggest, or render obvious every limitation of the claims. Claims 103-106 are dependent claims that incorporate every limitation of Claim 26. Accordingly, Claims 103-106 are patentable over the cited references because Claim 26 is patentable over the cited references. For example, the cited references do not teach, fairly suggest, or render obvious at least one of the following limitations of Claim 26 as amended:

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- “a plurality of purchase request records created from data received from potential buyers, said data including buyer contact information and product information”
- “a plurality of participating seller records comprising information about a plurality of participating sellers, said purchase request records and seller records stored on computer-readable medium”
- “a buyer-seller association software module stored on computer-readable medium and configured to assign each of said purchase request records to only a subset of the participating sellers in accordance with purchase request criteria, said purchase request criteria for each of said participating sellers predetermined in accordance with a relationship between a lead distributor and each of said plurality of participating sellers”
- “a seller access software module stored on computer-readable medium and configured to provide each of said participating sellers with access to said system database for viewing and managing said purchase request records assigned to said seller by said buyer-seller association software module”
- “a processor in communication with said software and configured to implement instructions of said software modules”

As indicated, Claims 103-106 are all dependent claims that incorporate every limitation of Claim 26 and are thus patentable because Claim 26 is patentable. In addition, the Applicants submit that Claims 103-106 are also patentable over the cited references in view of their added limitations.

The Applicants request withdrawal of the obviousness rejections of Claims 103-106.

#### **Obviousness Rejections of Claims 107-114**

The Examiner rejected Claims 107-114 as allegedly being obvious in view of “Automotive Sites Missing Web Ad Opportunities,” “Auto-By-Tel Wins With Educated Customers And Low Prices,” and “Internet Auto Sales Service Can Return to Texas.” The Applicants do not agree that the cited references render Claims 107-114 obvious.

The Applicants submit that Claims 107-114 as amended are patentable over the cited references because the cited references, even if combined, do not teach, fairly suggest, or render

obvious every limitation of the claims. Claims 107-114 are dependent claims that incorporate every limitation of Claim 26. Accordingly, Claims 107-114 are patentable over the cited references because Claim 26 is patentable over the cited references. For example, the cited references do not teach, fairly suggest, or render obvious at least one of the following limitations of Claim 26 as amended:

- “a plurality of purchase request records created from data received from potential buyers, said data including buyer contact information and product information”
- “a plurality of participating seller records comprising information about a plurality of participating sellers, said purchase request records and seller records stored on computer-readable medium”
- “a buyer-seller association software module stored on computer-readable medium and configured to assign each of said purchase request records to only a subset of the participating sellers in accordance with purchase request criteria, said purchase request criteria for each of said participating sellers predetermined in accordance with a relationship between a lead distributor and each of said plurality of participating sellers”
- “a seller access software module stored on computer-readable medium and configured to provide each of said participating sellers with access to said system database for viewing and managing said purchase request records assigned to said seller by said buyer-seller association software module”
- “a processor in communication with said software and configured to implement instructions of said software modules”

As indicated, Claims 107-114 are all dependent claims that incorporate every limitation of Claim 26 and are thus patentable because Claim 26 is patentable. In addition, the Applicants submit that Claims 107-114 are also patentable over the cited references in view of their added limitations.

The Applicants request withdrawal of the obviousness rejections of Claims 107-114.

**New Claims 133 and 134**

New Claims 133 and 134 are dependent claims that incorporate every limitation of Claim 26. Accordingly, the Applicants submit that Claims 133 and 134 are patentable over the cited references for the same reasons that Claim 26 is patentable over the cited references. In addition, the Applicants submit that Claims 133 and 134 are also patentable over the cited references in view of their added limitations.

**New Claims 135-138**

The Applicants submit that Claims 135-138 are patentable over the cited references because the cited references, even if combined, do not teach, fairly suggest, or render obvious every limitation of the claims. For example, the cited references do not teach, fairly suggest, or render obvious at least one of the following limitations of Claim 135:

- “a system database comprising:”
  - “a plurality of purchase request records created from data received from potential buyers, said data including buyer contact information and product information”
  - “a plurality of dealer records created from data received from dealers registered to use said system, said data including dealer contact information and product information”
  - “database software stored on computer-readable medium”
- “a buyer-dealer association software module stored on computer-readable medium and configured to assign said purchase requests to one or more of said registered dealers”
- “a dealer access software module stored on computer-readable medium and configured to permit said registered dealers to access said system database over a computer network using a remote terminal, said access including access to purchase request records assigned to said dealer by said buyer-dealer association module”

Claims 136-138 are all dependent claims that incorporate every limitation of Claim 135 and are thus patentable for the same reasons that Claim 135 is patentable. In addition, the

Applicants submit that Claims 136-138 are also patentable over the cited references in view of their added limitations.

**New Claims 139-141**

The Applicants submit that Claims 139-141 are patentable over the cited references because the cited references, even if combined, do not teach, fairly suggest, or render obvious every limitation of the claims. For example, the cited references do not teach, fairly suggest, or render obvious at least one of the following limitations of Claim 139:

- “a data storage device containing contact information for a plurality of dealers, each of said dealers offering substantially the same type of product, said dealers divided into a plurality of groups, each group having from one to a plurality of dealers and together forming several groups at least some of which have a plurality of dealers”
- “purchase request software stored in storage media including instructions to direct the storage of purchase requests and instructions to make an association of each stored purchase request with a dealer group”
- “dealer access software including instructions to allow the dealer or dealers within a dealer group access to those purchase requests the purchase request software has associated with said dealer group and to prevent access to at least some purchase requests associated with other dealer groups”
- “a processor in communication with said storage device and said software, said processor configured to implement the software instructions”

Claims 140 and 141 are dependent claims that incorporate every limitation of Claim 139 and are thus patentable for the same reasons that Claim 139 is patentable. In addition, the Applicants submit that Claims 140 and 141 -138 are also patentable over the cited references in view of their added limitations.

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**No Disclaimers or Disavowals**

Although the present communication amends the claims and may include characterizations of claim scope or referenced art, the Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any amendments or characterizations are being made to facilitate expeditious prosecution of this application. The Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

**Rescission of Any Prior Disclaimers and Request to Revisit Cited Art**

The claims of the present application are different and possibly broader in scope than claims previously presented in this application or any pending claims in any related application or issued claims in any related patent. Each of the pending claims omits at least one limitation included in a previously-presented claim. The Applicants omitted these limitations from the claims of the present application in order to obtain claims with different and possibly broader scope. The pending claims do not include, and should not be construed to include, any omitted limitation. In view of the different scope of the pending claims, the Applicants request that the Examiner review the art of record in this application and any related applications and patents, in addition to any newly discovered art, to determine whether the pending claims are allowable.

Moreover, with respect to amendments to or arguments concerning previously-presented claims, to the extent that any amendments or characterizations of the scope of any claim or referenced art could be construed as a disclaimer of any subject matter supported by the present disclosure, Applicants hereby rescind and retract such disclaimer. While the Applicants believe that no such disclaimer exists, if the Examiner disagrees, the Examiner may need to re-visit the listed or referenced art.

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**Conclusion**

For the reasons stated, Applicants respectfully request that the Examiner allow Claims 26, 100-114, and 133-141. If any issues remain that may be resolved by telephone, Applicants invite the Examiner to contact Applicants' attorney at (949) 721-2897.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: May 5, 2008

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AMEND

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